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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JORGE CHAVEZ,  
  
Defendant.

CASE NO. 1:20-CR-00182-NONE-SKO;  
1:13-CR-00215-DAD-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: January 6, 2021  
TIME: 1:00 p.m.  
COURT: Hon. Magistrate Judge Sheila K. Oberto

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on January 6, 2021.
2. By this stipulation, the parties now move to continue the status conference until March 3, 2021, or the Court's earliest convenience, and to exclude time between January 6, 2021, and March 3, 2021.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) Initial discovery produced in this case consisted of approximately 206 pages of materials and an additional media disc containing electronic data associated with a wiretap.
  - b) On December 22, 2020, the Court entered an order on the government's *ex parte* application to disclose portions of certain orders authorizing the interception of wire and

1 electronic communications, the accompanying applications, affidavits, and recordings, relevant  
2 to this case. CR 11. Consistent with this order, the government has prepared redacted copies of  
3 relevant filings and associated discovery materials numbering approximately 270 pages and has  
4 recently produced and made available for defense counsel's inspection and copying these  
5 materials.

6 c) Counsel for defendant desires additional time to review this supplemental  
7 discovery, consult with his client, conduct investigation and research related to the charges, and  
8 to otherwise prepare for trial.

9 d) Counsel for defendant believes that failure to grant the above-requested  
10 continuance would deny him the reasonable time necessary for effective preparation, taking into  
11 account the exercise of due diligence.

12 e) Based on the above-stated findings, the ends of justice served by continuing the  
13 case as requested outweigh the interest of the public and the defendant in a trial within the  
14 original date prescribed by the Speedy Trial Act.

15 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
16 et seq., within which trial must commence, the time period of January 6, 2021 to March 3, 2021,  
17 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results  
18 from a continuance granted by the Court request on the basis of the Court's finding that the ends  
19 of justice served by taking such action outweigh the best interest of the public and the defendant  
20 in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
3 must commence.

4 IT IS SO STIPULATED.

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7 Dated: December 30, 2020

McGREGOR W. SCOTT  
United States Attorney

8  
9 /s/ CHRISTOPHER D. BAKER  
CHRISTOPHER D. BAKER  
Assistant United States Attorney

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11  
12 Dated: December 30, 2020

/s/ RICHARD BESHWATE  
RICHARD BESHWATE  
Counsel for Defendant  
Jorge Chavez

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14  
15 **FINDINGS AND ORDER**

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17 IT IS SO ORDERED.

18 Dated: **January 4, 2021**

/s/ *Sheila H. Oberto*  
UNITED STATES MAGISTRATE JUDGE